

Schedule

See section 3(2)

ENVIRONMENTAL SIGNIFICANCE OPINION

In accordance with section 138AB(4) of the *Planning and Development Act 2007* (the Act), I provide the following environmental significance opinion:

APPLICANT

Icon Water, as represented by Michael Smith, Environmental Scientist.

APPLICATION and DEVELOPMENT PROPOSAL

The applicant has applied under section 138AA of the Act to the Conservator of Flora and Fauna for an environmental significance opinion to the effect that the development proposal set out in the submission is not likely to have a significant adverse environmental impact (the application).

The development proposal is for the Installation of two new bioreactors at the Lower Molonglo Water Quality Control Centre (LMWQCC) as described in the submission.

LOCATION

Block 1553 District of Belconnen.

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only to the development proposal as described in the application.

OPINION

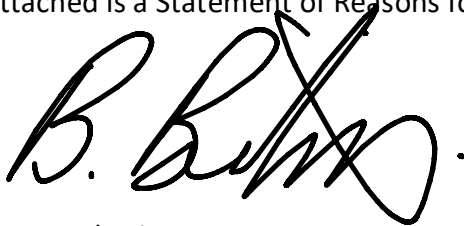
Provided the works are undertaken in a manner consistent with the following conditions in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.

This opinion is granted subject to the following conditions made under s138AB(4) of the Act:

1. Two habitat trees have been identified on site. Noting the southernmost tree will be removed, the second northernmost tree is to be fenced off during construction to ensure it is not disturbed.

2. The Natural Temperate Grassland mapped in the Preliminary Biodiversity Assessment Report (PBAR) is to be fenced off and signed as no entry.
3. Signage must also be installed on the Nature Reserve boundary fence adjacent to the access road (Stockdill Drive) indicating that no entry is permitted into the reserve.
4. If the proposed works are unable to be microaglined around existing native trees and shrubs then the following replacement ratios must be used and plantings must be undertaken at strategic locations around the plant to enhance overall ecological values:
 - I. Mature native tree replacement ratio is 1:50 for trees approved for removal outside a Nature Reserve.
 - II. Immature native tree replacement ratio is 1:5 for immature trees approved for removal outside a Nature Reserve.
 - III. Shrub replacement ratio is 1:4 for shrubs approved for removal outside a Nature Reserve.
5. If the replacement plantings cannot be undertaken within the LMWQCC site they should then be undertaken within an adjacent Nature Reserve in consultation with and to the satisfaction of PCS.
6. A Construction Environmental Management Plan (CEMP) must be developed by the proponent and endorsed by the Conservator of Flora and Fauna prior to commencement of works. The CEMP must provide details of the number of trees and shrubs to be replaced and the proposed planting location and species.
7. All works are to be undertaken in accordance with the endorsed CEMP.

Attached is a Statement of Reasons for the decision.



Bren Burkevics
Conservator of Flora and Fauna

10 July 2023

STATEMENT OF REASONS REASONS FOR THE DECISION

The proposed development is a proposal mentioned in Schedule 4 of the *Planning and Development Act 2007* – Development proposal for an activity requiring an EIS Schedule 4, being:

Part 4.3, item 1(a) development that may impact on a species or ecological community that is endangered, a species that is vulnerable; protected; or has special protection status;

Block 1553 contains:

One ecological community listed as critically endangered:

- Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT

Records or potential habitat for 14 animal species listed as threatened under the EPBC Act and/or *Nature Conservation Act 2014*:

- Gang-gang Cockatoo (*Callocephalon fimbriatum*)
- Swift Parrot (*Lathamus discolor*)
- Superb Parrot (*Polytelis swainsonii*)
- Diamond Firetail (*Stagonopleura guttata*)
- Regent Honeyeater (*Anthochaera Phrygia*)
- Varied Sitella (*Daphoenositta chrysoptera*)
- Little Eagle (*Hieraaetus morphnoides*)
- White-throated Needletail (*Hirundapus caudacutus*)
- White-winged Triller (*Lalage tricolor*)
- Scarlet Robin (*Petroica boodang*)
- Pink-tailed Worm-lizard (*Aprasia parapulchella*)
- Striped Legless Lizard (*Delma impar*)
- Perunga Grasshopper (*Perunga ochracea*)
- Golden Sun Moth (*Synemon plana*)

Habitat for seven plant species listed as threatened:

- Pale Pomaderris (*Pomaderris pallida*)
- Murrumbidgee Bossiaea (*Bossiaea grayi*)
- Hoary Sunray (*Leucochrysum albicans* var. *tricolor*)
- Tarengo Leek Orchid (*Prasophyllum petilum*)
- Button Wrinklewort (*Rutidosis leptorhynchoides*)
- Small Purple Pea (*Swainsona recta*)
- Austral Toadflax (*Thesium australe*)

The proponent wants the application for the development approval assessed in the merit track on the grounds that the proposal is not likely to have a significant adverse environmental impact, and has applied to the Conservator of Flora and Fauna to that effect.

Meaning of *significant* adverse environmental impact

An adverse environmental impact is *significant* if—

- (a) the environmental function, system, value or entity that might be adversely impacted by a proposed development is significant; or
- (b) the cumulative or incremental effect of a proposed development might contribute to a substantial adverse impact on an environmental function, system, value or entity.

In deciding whether an adverse environmental impact is *significant*, the following matters must be taken into account:

- (a) the kind, size, frequency, intensity, scope and length of time of the impact;
- (b) the sensitivity, resilience and rarity of the environmental function, system, value or entity likely to be affected.

In deciding whether a development proposal is likely to have a significant adverse environmental impact it does not matter whether the adverse environmental impact is likely to occur on the site of the development or elsewhere.

It has been determined that the proposal is unlikely to have a significant environmental impact, based on the documentation submitted, known values of the site, and provided the works and ongoing management are carried out in accordance with the conditions attached to this ESO.

Project description

The proposed works includes the provision of two new 13 ML Membrane Bioreactors (MBR) and MBR trains with the existing bioreactors being retained and operated in parallel to the new technology. This new infrastructure is to be constructed adjacent to existing treatment chains at LMWQCC and on heavily disturbed land. Auxiliary structures are also to be installed as well as upgrades to infrastructure elements associated with:

- Screenings removal and management
- Grit removal and management
- Flocculation and primary sedimentation
- Bioreactor - biological treatment
- Bioreactor - secondary solids separation
- Other ancillary treatment process elements

Documentation Submitted

- Biosolids Management Renewal Preliminary Biodiversity Assessment Report (Oct 2022)
- Environmental Significance Opinion Report (May 2023)
- Letter of Authorisation
- Form 1M.

Natural conservation values present

The general vegetative surrounds of the LMWQCC are natural, grassy or vegetated with two broad native vegetation communities being quite dense *Casuarina cunninghamiana* and open Woodland (consisting of planted Eucalypts and broad leaf weeds), amongst grassy and rocky potential Pink-tailed Worm-lizard habitat.

The site is mainly devoid of an understorey as these have been removed progressively over time for bushfire risk reduction. The ground layer is dominated by exotic broad leaf weeds ranging from St John's Wort (*Hypericum perforatum*) and Great Mullein (*Verbascum Thapsus*).

The area proposed for development can be described as an open grassland (Canberra dryland mix) devoid of trees that is dominated by broad leaf weeds and annual grasses. The sites located around existing infrastructure are highly degraded with the construction and ongoing use of the LMWQCC.

A patch of Natural Temperate Grassland, a critically endangered ecological community occurs to the south of the site. Box Gum Woodland also has the potential to occur, however was found to not be present within the block.

At least three species of mammals, nine species of reptiles, and over 68 species of birds have been recorded in the area as well as three animal species listed as threatened under the EPBC Act and/or *Nature Conservation Act 2014*:

- Gang-gang Cockatoo (*Callocephalon fimbriatum*)
- Diamond Firetail (*Stagonopleura guttata*)
- Pink-tailed Worm-lizard (*Aprasia parapulchella*)

The threatened Pale Pomaderris (*Pomaderris pallida*) has been recorded in the vicinity, and the site also contains *Callitris endlicheri*, a plant considered rare in the ACT.

Potentially Significant Environmental Impacts

The proposed site is already significantly disturbed and the specific areas to be impacted have been chosen to avoid significant impacts on ecological communities. There is a very low likelihood of the proposal impacting on rare plant species or Pink-tailed Worm-lizard habitat. The patch of Natural Temperate Grassland is also to be

retained and protected. Fencing/bunting is to be utilised to clearly demarcate and protect sensitive ecological areas. The works may result in the removal of up to 20 planted Eucalyptus trees of moderate value, including one habitat tree. Any removed trees will be replaced at the ratios described below.

The following conditions have been included to ensure that sensitive ecological values are protected during construction and any removed trees are adequately replaced:

1. Two habitat trees have been identified on site. Noting the southernmost tree will be removed, the second northernmost tree is to be fenced off during construction to ensure it is not disturbed.
2. The Natural Temperate Grassland mapped in the Preliminary Biodiversity Assessment Report (PBAR) is to be fenced off and signed as no entry.
3. Signage must also be installed on the Nature Reserve boundary fence adjacent to the access road (Stockdill Drive) indicating that no entry is permitted into the reserve.
4. If the proposed works are unable to be microaglined around existing native trees and shrubs then the following replacement ratios must be used and plantings must be undertaken at strategic locations around the plant to enhance overall ecological values:
 - I. Mature native tree replacement ratio is 1:50 for trees approved for removal outside a Nature Reserve.
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5. If the replacement plantings cannot be undertaken within the LMWQCC site they should then be undertaken within an adjacent Nature Reserve in consultation with and to the satisfaction of PCS.
6. A Construction Environmental Management Plan (CEMP) must be developed by the proponent and endorsed by the Conservator of Flora and Fauna prior to commencement of works. The CEMP must provide details of the number of trees and shrubs to be replaced and the proposed planting location and species.
7. All works are to be undertaken in accordance with the endorsed CEMP.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to the ESO in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.